

Abstract

This rigorous thesis deals with the institute of occupational medical services, enshrined in the legal order of the Czech Republic by Act No. 373/2011 Coll., on Specific Health Services. This Act was, together with some other acts, part of the so-called health reform and replaced the legal regulation of occupational preventive care, contained mainly in Act No. 20/1966 Coll., on Public Health Care. In spite of the fact that the Act came into effect almost eight years ago, the rules relating to the provision of occupational medical services still pose problems in practice, i.e. on the both sides of the individual employment relationship, as well as on the side of occupational medical services providers. The importance of occupational medical services and the orientation in the rights and obligations of these providers, employers and employees are underlined by the fact that the obligation to provide these services falls on all employers, regardless of their number of employees, turnover or any other parameter.

In the light of the above mentioned, this thesis aims to map the legislation of occupational medical services taking into account the existing case law practice and to provide answers to some problematic questions arising from practice.

For a broader context, the first part of the thesis is dedicated to the occupational medicine as a medical field and to the historical roots of health protection at work. The second part maps the most important sources of law and the third part defines the concept of occupational medical services, their parts and content. The following fourth part presents individual parties of occupational medical services. The fifth and sixth parts deal with occupational medical examinations and medical opinion issued on the basis of such examinations. Both parts emphasize the rules under which the occupational medical examination can be carried out and a medical opinion issued, so it would be an eligible basis for valid and, by law, foreseen legal acts of the employer and employee. The final part complements the previous parts with the labour law context of occupational medical services.